

IN THE CLAIMS:

Please AMEND claims 1 to 6, 16 and 17, as follows:

1. (Currently Amended) A sheet stacking apparatus comprising:

a ~~first~~ tray on which sheets discharged from an outlet are stacked, said ~~first~~ tray being movable between (1) a stacking position at which the sheets discharged from the outlet are stacked and (2) a first retracted position ~~retracted from the stacking position; and above the~~ outlet;

~~a second tray on which the sheets discharged from the outlet are stacked, said second tray being disposed below said first tray, said second tray being movable between (1) a stacking position at which the sheets discharged from the outlet are stacked and (2) a second retracted position below the stacking position; and~~

~~a controller that controls movement of said first tray, wherein and said second tray independently of each other, wherein when the sheets are to be stacked on said first tray, said controller stops descending movement of said second tray by measuring a time period corresponding to when a moving distance of said second tray from the stacking position reaches a predetermined constant distance which is set so that the top surface of the sheets stacked on said second tray does not interfere with said first tray which is at the stacking position.~~

2. (Currently Amended) The sheet stacking apparatus according to Claim 1, further comprising a sensor that detects the sheets on said ~~second~~ tray,

wherein the predetermined ~~constant~~ distance is set to a distance of movement up to just before an output of said sensor changes from a sheet present indication to a sheet absent indication.

3. (Currently Amended) The sheet stacking apparatus according to Claim 2, wherein after the moving distance of said ~~second~~ tray reaches the predetermined constant distance, said controller initiates an ascending movement of said ~~second~~ tray in response to a change of the output of said sensor from a sheet present indication to a sheet absent indication and stops the ascending movement in response to a change of the output of said sensor from a sheet absent indication to a sheet present indication.

4. (Currently Amended) The sheet stacking apparatus according to Claim 2, wherein when the moving distance of said ~~second~~ tray reaches the predetermined ~~constant~~ distance, said controller stops said ~~second~~ tray regardless of the output of said sensor.

5. (Currently Amended) The sheet stacking apparatus according to Claim 2, wherein before the moving distance of said ~~second~~ tray reaches the predetermined ~~constant~~ distance, said controller initiates the ascending movement of said ~~second~~ tray in response to a change of the output of said sensor from “~~sheet present~~” to “~~sheet absent~~,” a sheet present indication to a sheet absent indication and to stop ascending in response to a change of the output of said sensor from a sheet absent indication to a sheet present indication.

6. (Currently Amended) The sheet stacking apparatus according to Claim 2, further comprising a second sensor that detects that said ~~second~~ tray has descended to reach a lower limit ~~when the sheets are to be stacked onto said first tray,~~

wherein when said ~~second~~ tray descends to the predetermined ~~constant~~ distance, said controller controls said ~~second~~ tray to stop descending in response to the detection by the second sensor that said ~~second~~ tray has reached the lower limit.

7-15. (Canceled)

16. (Currently Amended) The sheet stacking apparatus according to Claim 1, wherein when the moving distance of said ~~second~~ tray reaches the predetermined ~~constant~~ distance, said ~~second~~ tray is above the ~~second~~ retracted position.

17. (Currently Amended) The sheet stacking apparatus according to Claim 1, further comprising a sensor that detects the sheets on said ~~second~~ tray,

wherein the predetermined ~~constant~~ distance is set to a distance of movement up to after an output of said sensor changes from a sheet absent indication to a sheet present indication.